

II. REMARKS/ARGUMENTS

These Remarks are in response to the Office Action mailed December 14, 2004. No fee is due for the addition of any new claims.

Claims 1-18 were pending in the Application prior to the outstanding Office Action. The Office Action allowed claims 1-6 and 13-18, rejected claims 7-10, and objected to claims 11-12 solely as being dependent upon a rejected base claim. The present response amends claim 1, leaving for the Examiner's present consideration claims 7-12. Reconsideration of the rejections is respectfully requested.

1. Amendments to the Claims

Claim 1 has been amended in response to the Office Action's objection by deleting the word "to" previously appearing after the word "and" in the claim.

2. Claim Rejections Under 35 U.S.C. § 102(b)

Claims 7, 8, and 10 were rejected under 35 U.S.C. '102(b) as being anticipated by *Gautier* (U.S. Patent 5,148,182; hereafter, "*Gautier*"). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gautier* in view of *Takei* (U.S. Patent 6,028,561; hereafter, "*Takei*"). Claims 11 and 12 were objected to as being dependent upon rejected independent claim 7, but were stated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent claim 7 was rejected as anticipated by *Gautier*. Applicant respectfully traverses the rejection. It is respectfully submitted that the references cited in the Office Action, including *Gautier* and *Takei*, either singly or in combination, fail to disclose all of the limitations of claim 7.

The cited sections of *Gautier* fail to disclose all of the limitations of claim 7. As the Office Action concedes (p. 2, section 3, 2nd paragraph), *Gautier* discloses an "antenna structure" or more precisely, an antenna array or reflector array (Abstract and col. 2, lines 46-49). Therefore, at minimum, *Gautier* fails to disclose the limitations in Applicant's claim 7 regarding a fixed frequency beam steerable *leaky wave microstrip* antenna (emphasis added). Specifically, *Gautier* utterly fails to make two disclosures present in Applicant's claims

regarding a leaky wave antenna and a microstrip medium. Claims 8-12 each ultimately depend from independent claim 7 and are believed patentable for at least the same reasons as independent claim 7 and because of the additional limitations of these claims.

Accordingly, claims 7-12 are believed patentable over the cited references and withdrawal of the rejections is respectfully requested.

III. CONCLUSION

The references cited by the Examiner but not relied upon have been reviewed, but are not believed to render the claims unpatentable, either singly or in combination.

In light of the above, it is respectfully submitted that all remaining claims, as amended in the subject patent application, should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of the patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: J. Steven Svoboda
J. Steven Svoboda
Registration No. 44,366

FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800
Facsimile: (415) 362-2928
e-mail: jss@fdml.com